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WAL-MART STORES, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CHARLES RIDGEWAY, JAIME FAMOSO,  
JOSHUA HAROLD, RICHARD BYERS,  
DAN THATCHER, NINO PAGTAMA,  
WILLIE FRANKLIN, TIME OPITZ, FARRIS  
DAY, AND KARL MERHOFF.

### **Plaintiffs.**

V.

WAL-MART STORES, INC., a Delaware corporation dba WAL-MART TRANSPORTATION LLC, and Does 1-50,

## Defendants.

[Previously captioned as *Bryan et al. v. Wal-Mart Stores, Inc.*]

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CASE NO. 3:08-cv-05221-SI

## WAL-MART'S STATEMENT OF THE CASE

Place: Courtroom 1, 17th Floor  
Before: Hon. Susan Illston

In the September 21, 2016 pretrial order, the Court ordered the parties to “meet and confer concerning a neutral non-argumentative statement of the case which can be read to the jury at the beginning of the voir dire process,” and to provide the statement to the Court by October 25, 2016. Dkt. 426. Attached hereto as Exhibit A is a copy of Wal-Mart’s proposed statement of the case.

Dated: October 25, 2016

Respectfully submitted,

## GIBSON, DUNN & CRUTCHER LLP

By: /s/ *Scott A. Edelman*  
Scott A. Edelman

Attorney for Defendant WAL-MART STORES, INC.

## **EXHIBIT A**

**STATEMENT OF THE CASE TO BE PRESENTED TO THE JURY PANEL**

This is a minimum wage case. The Plaintiffs in this case are 9 current or former drivers for Wal-Mart Stores, Inc. They are named Charles Ridgeway, Jaime Famoso, Joshua Harold, Richard Byers, Dan Thatcher, Willie Franklin, Tim Opitz, Farris Day, and Karl Merhoff. The Defendant in this case is Wal-Mart Stores, Inc., which I will refer to as Wal-Mart.

Plaintiffs represent other Wal-Mart truck drivers in what is called a “class action.” A class action is a lawsuit one or more people have brought on behalf of a larger group of people. All of these people together are called a “class.” Plaintiffs claim that Wal-Mart did not pay the class of truck drivers the minimum wage for all time they worked, and that the alleged failure to pay was intentional. Specifically, Plaintiffs claim that minimum wage was not paid for time worked while Plaintiffs completed certain tasks. Wal-Mart denies Plaintiffs’ claims. Wal-Mart claims that its drivers are paid for the tasks that Plaintiffs claim are unpaid. And Wal-Mart argues that it did not intentionally underpay any of its truck drivers and that its decisions regarding pay were at all times made in good faith.

In this case, you will be asked to decide, among other things, whether Plaintiffs have demonstrated that Wal-Mart did not pay its drivers at least the minimum wage and what damages Plaintiffs are entitled to, if any.